

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

BROOKLYN JOHNSON, *Individually and  
on Behalf of all Others Similarly Situated*,

Plaintiffs,

v.

No. 1:20-cv-365 MLG/KRS

MOLINA HEALTHCARE, INC., and  
MOLINA HEALTHCARE OF NEW MEXICO, INC.,

Defendants.

**SCHEDULING ORDER**

**THIS MATTER** comes before the Court following a telephonic Rule 16 scheduling conference held on April 20, 2023. At the hearing, the Court adopted the parties' proposed Joint Status Report and Provisional Discovery Plan, with slight modifications, as reflected in the dates below

Accordingly, **IT IS HEREBY ORDERED** that the parties shall adhere to the following discovery plan:

- (a) Maximum of twenty-five (25) interrogatories by each party to any other party, with responses due thirty (30) days after service, subject to agreed extensions.
- (b) Maximum of fifty (50) requests for admission by each party to any other party, with responses due thirty (30) days after service, subject to agreed extensions.
- (c) Maximum of ten (10) depositions by Plaintiff and ten (10) by Defendants. The deposition of Plaintiff or of each individual designated by Defendants under Fed. R. Civ. P. 30(b)(6) shall be limited to a maximum of eight (8) hours unless extended by agreement of the parties. All other depositions shall be limited to a maximum of four (4) hours unless extended by agreement of parties.

**IT IS FURTHER ORDERED** that the following case management deadlines shall govern:

- (a) Deadline for Plaintiff to amend pleadings and join additional parties pursuant to Federal Rule of Civil Procedure 15: **May 31, 2023**;
- (b) Deadline for Defendants to amend pleadings pursuant to Federal Rule of Civil Procedure 15: **June 15, 2023**;
- (c) Deadline for Defendants to join additional parties pursuant to Federal Rule of Civil Procedure 15: **July 17, 2023**
- (d) Deadline for Plaintiff's expert reports: **November 30, 2023**;
- (e) Deadline for Defendant's expert reports: **January 8, 2024**;
- (f) Termination of discovery: **January 31, 2024**;
- (g) Deadline for supplementing discovery/disclosures: Due within 14 days of learning that a disclosure or response to written discovery is incomplete or incorrect;
- (h) Motions relating to discovery: **February 20, 2024**;
- (i) All other motions:<sup>1</sup> **March 1, 2024**;
- (j) Pretrial order: To be set by the presiding judge.

**IT IS FURTHER ORDERED** that the Court must approve any changes to the timing or scope of discovery, other than the parties' agreement to extend the length of a deposition made during the deposition in question. Requests by a party to change the timing or scope of discovery, other than a mutual agreement to extend a deposition reached during the deposition, must be made by motion and before the termination of discovery or the expiration of any

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<sup>1</sup> This deadline applies to motions related to the admissibility of experts or expert testimony that may require a *Daubert* hearing, but otherwise does not apply to motions *in limine*. The Court will set a motions *in limine* deadline in a separate order.

applicable deadline. Discovery must be completed on or before the termination of the discovery deadline. A written discovery request must be propounded by a date which ensures that the response to that request is due on or before the discovery deadline. The parties are further reminded that the cutoff for motions related to discovery does not relieve the party of the twenty-one (21) day time period under Local Rule 26.6 to challenge a party's objections to answering discovery. The parties are encouraged to review Federal Rule of Civil Procedure 26(a)(2) to ensure they properly disclose *all* testifying witnesses, not just those for whom a report is required.



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KEVIN R. SWEAZEA  
UNITED STATES MAGISTRATE JUDGE